I

AN INTRODUCTION TO

American Institutional History

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"The local annals of Maryland or of any other State are something more than mere local history, something more than part of the history of the United States or of the whole English-speaking people. They are really contributions to the general science of politics—no less than the lessons which we should have had if Aristotle's comments on the kindred commonwealths of old Greece had been spared to us."—*Freeman.*

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HERBERT B. ADAMS, Editor

History is past Politics and Politics present History.—*Freeman*

I.

AN INTRODUCTION TO

American Institutional History

WRITTEN FOR THIS SERIES

By EDWARD A. FREEMAN, D.C.L., LL.D.

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MR. FREEMAN'S VISIT TO BALTIMORE.

BY THE EDITOR.

Mr. Freeman came to America in the fall of 1881, on the joint invitation of the Lowell Institute in Boston and of the Peabody Institute in Baltimore. The united influence of these two local institutions, representing the intellectual union of Northern and Southern cities, was seconded by two other influences of a local character: first, by Mr. Freeman's natural desire to visit his own son, who married in Baltimore and who now lives upon a plantation in Virginia; secondly, by an ardent longing to see with his own eyes a New England Town Meeting, which, in the genealogy of local institutions, is a long-lost child of Old England and a grandchild of the Fatherland. The historian of "The English People in their Three Homes" regards the local institutions of the United States, North and South, as the historic offspring of England and Germany, as truly as his own name, once applied to all freemen of the English Colonies in America, is directly perpetuated by children and grandchildren in the Old Dominion, where he indulged what he pleasantly calls "oldfatherly emotions towards the last-born *bairn's bairn*," and where, true to historical impulses, he began a "Virginia Domesday" in the old forms: "*Freeman tenet; Bell tenuit Ante Guerram. Valebat . . . dollarios; modo . . . Waste fuit.*" With the grim humor of William the Conqueror, who, when he fell to the earth upon landing at Pevensey, grasped the soil and thus took seizin of England, Mr. Freeman describes his son's territorial conquest upon the shore of the Rapidan, "*Potuit ire quo voluit cum ista terra*, for the soil of the Old Dominion sticketh to the boots and is carried about hither and thither!"

This extract from a letter dated Somerleaze, Rapid Ann Depot, Culpeper County, Virginia, December 25th, 1881, needs no better commentary than the following extract from the *Inquisitio Eliensis*, Domesday, iii, 497 (or Stubbs' Select Charters, 86): "*Deinde quomodo vocatur mansio, quis tenuit eam tempore Regis Eadwardi; quis modo tenet; . . . quantum valebat totum simul; et quantum modo; . . .*" The suggestion of Domesday-forms came to Mr. Freeman not only from the history of Virginia land-tenure, but from Professor William F. Allen's paper on "The English Cottagers of the Middle Ages," a paper which had been sent Mr. Freeman in answer to his query "about a man in Wisconsin, who has written something about villainage—what a long way off to know about such things—how can I get it?" And after receiving the

above paper, Mr. Freeman inquired with manifest surprise, "Are his cottagers the *cotarii* of Domesday?" The historian of the Norman Conquest was reminded of items in Domesday by the "*Afri*" of the South, who still survive in emancipated forms. The negroes of the Old Dominion are no longer "*servi*," but their varying economic condition might justify their enumeration in some such classes as appear in the Norman census: "*villani*," "*cotarii*," "*sochemani*," "*liberi homines*."

It brings the historian of "The English People in their Three Homes" to the very heart of both North and South to think of him as spending Christmas with his American children upon a Virginia Plantation, called after the Old Home in England, "Somerleaze," where, resting from lectures and labors, he indulges "oldfatherly emotions" towards his American grandchild. It is pleasant to think of the Nestor historian "among the hills, enjoying the air, with the Blue Ridge right in front," and reading a novel about the Old Dominion written by a Virginia lady now living in Baltimore. He writes to this city for information touching the plot of the historical novel. "Was there not an negro revolt once hereabouts called Gabriel's War? I was reading a pretty story called *Homoselle*, where it comes in, and I seem to have heard of it before; but nobody here can tell me. If the chronology of the story be right, it must have been between 1837 and 1861." And later he returns to the point: "I knew I had heard something of that Gabriel's War, but Mrs. Tiernan must have altered the date. You say it was early in this century; but *Homoselle* lies in the time 1837–1861. For, on the one hand, Victoria reigns in Great Britain; on the other, Peace and Slavery reign in Virginia.* I want to know another thing. *Homoselle* speaks of a

*Gabriel's War, a negro insurrection headed by a slave of uncommon ability, known as "General Gabriel," occurred in the year 1800. The uprising was planned with great skill and secrecy, and embraced about one thousand slaves. The plan was to make a night attack upon Richmond, massacre the male inhabitants, spoil the city, seize arms, and create a general panic among whites throughout the State, whereupon, it was thought, a general insurrection could be kindled among the slave population. On the night of the proposed attack there was a furious rain-storm; but the slaves, undaunted, advanced with their scythe-blades and axes. The attack was frustrated by two unforeseen events, the rapid rising of a creek before Richmond, and the betrayal of the plot by a faithful servant of William Mosby—a slave named Pharaoh—who swam the creek at the risk of his life and gave the alarm in Richmond. The town was at once put under arms, and the slaves, finding that their plot was discovered, rapidly dispersed. James Munroe was at that time Governor of Virginia and he offered a reward of three hundred dollars for the arrest of Gabriel, who was finally taken and executed. Many other conspirators were found out and were duly tried and convicted by the court of "Oyer and Terminer," made up of county justices. The Court Records of Henrico County contain evidence upon this matter, see Howison's History of Virginia, ii, 392-3. This insurrection naturally created the greatest horror throughout all Virginia, and the story of Gabriel's War was repeated until it became a household tale. The authoress of *Homoselle* did not need to consult the written history of Virginia for information, for the oft-told story was stamped upon every child's imagination. Mrs. Tiernan never saw Howison's account of Gabriel's War until after her story was written, the scene of which she purposely laid in later times of which she herself had personal knowledge. Without regard to the exact chronology of Gabriel's War, Mrs. Tiernan utilized a popular tradition for literary purposes, which is not only an artistic but a perfectly legitimate method in *Culturgeschichte*.—H. B. A.

free negro in Virginia. Another story speaks of free negroes as forbidden to dwell there. Some of your students of State laws will know the date of that bit of legislation."*

Mr. Freeman's visit to Baltimore occured before his visit to Virginia. He lectured first in Boston, then at Cornell University, and immediately afterwards in Baltimore at the Peabody Institute, beginning November 15 and continuing until November 25. Both Cornell and Johns Hopkins Universities availed themselves of Mr. Freeman's visit to America to engage him for short courses of lectures before their students. On arriving in Baltimore, the first place Mr. Freeman visited was the University-Library. Although the historian professes "to hate libraries as well as schools," his professions should not be taken quite literally. He evidently enjoyed what some people call the "Johns Hopkins *School*," and he stayed one entire forenoon, and came again the next day. He found some things that he had never before seen, and he manifested considerable interest in the so-called "New Book Department"—an arrangement for securing the most recent scientific literature from England, France, and Germany. Mr. Freeman saw at once the cosmopolitan relations and practical value of this department and also of the University system of "exchanges" with the proceedings of academies and other learned societies of the old world. He even intimated that his own

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*Free negroes were "permitted by the court of any county or corporation to remain in this State" (Code of Va., 1849, 466, Code, 1860, 520); but the *law* against emancipated negroes abiding in the State or Colony was of very ancient standing. According to the Act of 1691, no person could set free a slave, without paying for his transportation out of the country within six months after setting him free. The Act of January 25, 1806, was fundamental to all Virginia legislation during the present century touching the condition of freedmen; it was provided that if any slave thereafter emancipated should remain within the State more than twelve months after his right to freedom accrued, he should forfeit such right and might be sold for the benefit of the poor of the county or corporation. Cf. Acts 1815-16, Code 1819, Acts 1826-7, 1830-1, 1836-7. By an Act of 1840-1, "No free negro shall migrate into this State." By the Va. Const. of 1851, which was in force in 1860, "Slaves hereafter emancipated shall forfeit their freedom by remaining in the commonwealth more than twelve months after they become actually free, and shall be reduced to slavery as may be prescribed by law." The letter of the law was probably more severe than the spirit of its execution. In point of fact, both free and emancipated negroes were *always* allowed in Virginia by permission of the justices of a county court. In fact, the law allowed "free negroes" to "be registered and numbered" every five years by the clerk of the county court (Codes of 1849, 1860). Free negroes were even allowed to own slaves of a certain kind, for example, a free negro could own his wife and children, and their descent, also his own parents. And conversely, a free negro wife might own her husband, children, and parents.

A student from South Carolina, Mr. B. J. Ramage, says it was no unusual thing before the war for free negroes to own considerable property, both real estate and slaves. He calls attention to an interesting item in the Baltimore *Day*, September 27, 1882: "Henry Todd, who lives in Darien, is the wealthiest colored man in Georgia. When a youth, his master died and left him his freedom. When the Confederacy fell, he lost twenty slaves and some Confederate bonds. After the war, he continued farming operations and engaged in the lumber business. He is now 65 years old and is worth $100,000 in good investments."—H. B. A.

retired life at his country-home in Somerset cut him off in some degree from the main stream of contemporary literature, to which members of the Johns Hopkins have constant access. This frank confession is not at all inconsistent with Mr. Freeman's well-known answer to the American professor who asked him where he wrote his books: "In my own house, to be sure, where else should I?" Although the historian of the Norman Conquest declares that he has never in his life consulted the library of the British Museum, yet he himself admits that, "There are times for which the library of the British Museum, or any other public library must be invaluable; but these times are not the eleventh and twelfth centuries," The point is, that for a man's own *special* study, it is possible to have, in some cases, all necessary original materials around him. That point Mr. Freeman saw illustrated again and again in the special department-collections of the Johns Hopkins *Universitas Studiorum*. But it would be strange indeed if the great and rushing stream of nineteenth century literature did not impress the English historian of politics even more profoundly than it does those who are borne upon the current. He feels keenly enough "the utter hopelessness of keeping up with the ever-growing mass of German books, and yet more with the vaster mass of treatises which are hidden away in German periodicals and local transactions. Of all of these every German scholar expects us to be masters, while to most of us they are practically as inaccessible as if they were shut up in the archives of the Vatican."

The continuity of human history is the life principle of Mr. Freeman's philosophy. This principle he found already transplanted to American shores. He found it germinating in the Public Schools of Baltimore through the influence of his friend the Superintendent of Public Instruction, Henry E. Shepherd, formerly a student at the University of Virginia, now President of Charleston College, South Carolina. He found this principle bearing fruit in the Johns Hopkins University. The English historian became interested at once in the studies of Historical and Political Science, which were there in active progress. He met students in private and in public. He visited their special libraries and work-shops, where he lent his master-hand in aid of apprentice tasks. With Bacon's folio edition of the Laws of Maryland before him, he pointed out to Maryland young men—graduates of the Johns Hopkins University, the City College, and the Public Schools—the continuity of Old English institutions in their native State. He went with a member of the University to the Library of the Maryland Historical Society, where in the company of Mr. John H. B. Latrobe, the President, Mr. J. W. M. Lee, the Librarian, and other members of that institution, he examined some of the manuscript records of Colonial Maryland. And, before leaving Baltimore, he penned the following letter which was intended by him to quicken public as well as individual interest in the collection and publication of the Maryland State Papers:

"*Mount Vernon Hotel, Baltimore, November 27th*, 1881.

"I cannot leave Baltimore without saying a word or two about the State records of Maryland, of which you were good enough to give me a glimpse both in the University Library and in that of the Historical Society. I did not see much, but I saw enough to get some notion of their great interest and importance. But the few things which I saw either in print or in manuscript must, I fancy, be mere fragments from far greater stores at Annapolis or elsewhere. A systematic publication would be a very great gain, and the State Legislature would surely not refuse its help, if the matter were pressed upon it by influential persons and societies in the State. During the short time that I have been in America, I have been more and more impressed by the deep interest of the early history of all these lands, first as provinces, then as independent States. Each State has in the most marked way its own character, and gives some special kind of instruction in comparative political history. The local annals of Maryland or of any other State are something more than mere local history, something more than part of the history of the United States or of the whole English-speaking people. They are really contributions to the general science of politics—no less than the lessons which we should have had if Aristotle's comments on the kindred commonwealths of old Greece had been spared to us. . . . ."

This letter, shown to influential men, and read to the Historical Society by the Hon. George William Brown, in connection with a similar letter written by James Bryce, M. P., who was in Baltimore at the same time with Mr. Freeman, has at last resulted, through the combined action of the Society and of the State Legislature, in the transfer of the mass of Colonial and Revolutionary Archives from Annapolis to Baltimore, where, in a well-lighted but fire-proof vault lately constructed by private subscription, the manuscript records can be used to the best advantage by students of Maryland History. The State has also provided for the gradual but systematic publication of these Archives under the auspices of the Maryland Historical Society. Thus by the institution of an honorable Record Commission, a purely scientific undertaking is removed from all political influences. These results are the direct historic outgrowth of Mr. Freeman's letter, supported by personal and corporate power. The letter was first published in the New York *Nation*,* immedi-

*Note in the *Nation*, December 22, 1881, in connection with a review of the "Calendar of Virginia State Papers;" cf. article in the Baltimore American, December 24, 1881; editorial in the Sun, December 26, 1881; New York Times, December 29, 1881. An account of the Archives themselves and of the provisions of the Bill which passed the Maryland Senate March 16 and the House of Delegates, March 12, 1882, may be found in the *Nation* "Notes," March 30, 1882; also, in the same number, an account of the "Stevens Index of Maryland Documents in the State Paper Office, London," which Index, containing descriptions and abstracts of 1,729 Maryland documents now preserved in

ately afterwards in Baltimore newspapers, and a copy of it was sent to every member of the Maryland Legislature. The letter is reproduced above in a more complete form than heretofore, for the sake of its permanent preservation as a contribution to the Science of Maryland History.

Mr. Freeman's visit to Baltimore has a certain historical value, which will become more and more apparent when the influence which he exerted here upon the Historical Society and upon the Johns Hopkins University goes forth into the State of Maryland and into the country at large. The English lecturer made an impression wherever he went in this country, in Boston, Ithaca, New Haven, Providence, New York, Philadelphia, St. Louis, and other places; but it is the writer's belief, based upon careful inquiry, that the impression produced upon the students of the Johns Hopkins University, the young life of Baltimore, was the best, the strongest, and the most abiding of all. While his public lectures at the Peabody Institute and elsewhere excited much attention and remark at the time they were given, yet these popular addresses, tested by the comparative method, were everywhere less quickening and less permanent in their historic influence than the half dozen informal "talks" given to a company of advanced students, meeting in Hopkins' Hall upon the afternoons of days alternating with Mr. Freeman's public lectures at the Peabody Institute. In a room of small size, before a strictly University audience, without a sheet of paper between him and his hearers, with no lyceum-apparatus save a pointer and one or two outline-maps prepared for the illustration of special matters, Mr. Freeman in plain English,—vigorous, and eloquent—set forth "the Eternal Eastern Question" in the light of past Politics and present History. He spoke of the Roman Power in the East; the Saracens and the Slavs; the final Division of the East and the West; the Turks, Franks, and Venetians; the Ottomans and the Beginnings of Deliverance. Probably no such telling, inspiring course was anywhere given by the English historian in his American tour.

Circumstances contributed to make Mr. Freeman's lectures at the Johns Hopkins University a peculiar and remarkable success. In the first place, the President of the University had insisted upon it that Mr. Freeman should *talk* to the students upon some special theme instead of *reading* one of his two general courses of written lectures. The informality of these "talks" which Mr. Freeman was at first very reluctant to give, was made doubly pleasing by the fact that the historian proved a good extempore speaker. The author of the Norman Conquest has "stumped" the County of Somerset and knows how to make a good

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England, was presented to the Maryland Historical Society by George Peabody, and thus supplements the Annapolis collection. These *Nation* "Notes" of March 30, 1882, were reprinted in the Johns Hopkins University Circular, May, 1882.

off-hand speech. In the second place, the natural orator was doubtless fired by the enthusiasm of his student-hearers and by the presence and applause of another historian and politician, his friend James Bryce, M. P., whose remarkable lectures upon English Politics followed close upon Mr. Freeman, upon the same platform, and upon the same days. But what most of all contributed to Mr. Freeman's success at the University was the unimpeded rush of his own thought and feeling into the historic fields of South-Eastern Europe, on which political interest was then centering anew.

Mr. Freeman had come to America directly from Dalmatia without tarrying in England. He had come from the historic border-ground between the Aryan and the Turk, between Venice and the Ottoman Power, between Old and New Rome. He had come to the Western Empire of the English People, which, expanding with the great Teutonic race from local centres, is repeating in the continental island of Atlantis and in the continent of Asia, with Egypt and Ocean between, the experiment of the Roman People upon a grander and nobler scale. He came from ancient municipal centres of Grecian culture and Roman dominion,—from Ragusa, upon the rocks of the Dalmatian coast, a city of refuge for the Grecian colony of Epidauros,* as Rome was a city of refuge for the village communities of Italy,—from Spalato in Dalmatia, once a city of refuge for a Roman Emperor, Diocletian, who, born in this Illyrian border-land, was the first to propose the institution of two Cæsars and of Roman capitals wherever Emperors took up their abode, whether at Spalato, Nikomedeia, Milan, Trier, or York.

The English historian of "The Illyrian Emperors and their Land" came to a *new* York and to other capitals of a westward-moving English Empire. Like an historical ambassador from the East, such as Emanuel Chrysoloras, who came from Constantinople to Rome in 1396 in the interest of the Eastern Empire and tarried in Italy three years to teach Greek; or as Georgius Gemistus (Pletho) who came in the interest of the Greek Church to attend the Council of Florence in 1439 and remained in that city for many years to lecture upon Platonic Philosophy, even so the historian of "The English People in their Three Homes," coming to Boston and Baltimore with a message upon his lips that invited national belief in the civic kinship and religious unity of England and America, came also with another message from the East. He came representing the *history* of an older Eastern Empire than that of England in Egypt and India. He came with a book in press upon "The Subject and Neighbor Lands of Venice"† (Spalato, Ragusa, and other Dalmatian

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*Epidauros in Dalmatia is now known as Ragusa Vecchia. Curiously enough, the mother-town has taken its daughter's name. It is as though England should assume the name, Old America.

†Reviewed in the *Nation*, February 9, 1882.

cities) and before that book was published in America, Mr. Freeman had told students in Baltimore the story of the Republic of Ragusa, "the one spot along that whole coast from the Croatian border to Cape Tainaros itself, which never came under the dominion either of the Venetian or of the Turk,"—that city upon the rocks which "has always sat on a little ledge of civilization . . . . with a measureless background of barbarism behind her." Before Mr. Freeman's article on "The Revolt in Dalmatia" was published in the *Nation* (February 16, 1882), the latest dispatches upon which that article was based, had been made known in Baltimore. The letters and telegrams from Ragusa to the *Manchester Guardian* by Arthur Evans,* Mr. Freeman's son-in-law, were almost the only trustworthy sources of information in England regarding affairs in Dalmatia. Mr. Freeman left Ragusa in June, 1881, when, as he says in the *Nation*, "the storm was beginning." From that time on, Mr. Evans kept him informed as to the progress of the Revolution, and those manuscript letters from Ragusa were shown to students in Baltimore.

In such ways, through living, winged words, ἔπεα πτερόεντα, young men in America were made to realize that contemporary Politics is only History in the making. And they will use a motto from Mr. Freeman — History is past Politics and Politics present History† — not only upon the wall of their class-room, but upon their published "Studies in Historical and Political Science," to which the Historian of Politics kindly offers an Introduction, which he wrote after his return to England, to his own Home at "Somerleaze." There in the South-West of England, in his own library, looking out upon his own land and trees, with his face toward the low-lying hills of Mendip, the historian of the Norman Conquest meditates upon the relation of Past and Present. That his thoughts occasionally go out from the old country to the new, is evident not only from his voluntary contribution to American past Politics, but from his sending to Baltimore, to the Seminary of Historical and Political Science, his most recent contributions to English magazines and newspapers, sources of present History.

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*Mr. Evans has been for some years an authority upon affairs in South-Eastern Europe. His letters to the *Manchester Guardian* during the year 1877 have been published in book-form under the title of "Illyrian Letters — A revised selection of correspondence from the Illyrian provinces of Bosnia, Herzegovina, etc." (London, 1878.) An earlier work by Mr. Evans is entitled "Through Bosnia and the Herzegovina on foot during the insurrection, August and September, 1875" (Second edition, London, 1877).

†This motto is the pith of a sentence in Mr. Freeman's address in Birmingham, November 18, 1880, "On the Study of History," printed in the *Fortnightly Review*, March, 1881, p. 320, where he says it is "a highly practical truth that history is simply past politics and that politics are simply present history;" cf. p. 329. Another original form of the aphorism is: "History is the politics of the past, politics are the history of the present." Note also the same idea in Mr. Freeman's Lectures to American Audiences, p. 207: "Now the position for which I have always striven is this, that history is past politics, that politics are present history."

INTRODUCTION

—TO—

AMERICAN INSTITUTIONAL HISTORY.

THE study of the local institutions of the states, counties, towns, and the like, through the United States, and indeed through America generally, is, to my mind, a matter of a good deal more than local interest. Its immediate attraction of course is strongest for those to whom it is a matter of local interest; but its importance goes a great deal further. Whenever institutions have grown up of themselves, as they largely have done in at least the Eastern States of the Union, they become a matter of scientific study. The institutions of Massachusetts or Maryland, such at least among them as have been handed down from the foundation of those colonies, are not simply the institutions of Massachusetts and Maryland. They are part of the general institutions of the English people, as those are again part of the general institutions of the Teutonic race, and those are again part of the general institutions of the whole Aryan family. There I must stop; some of my friends are able to go further; and, if they can prove that something which I am satisfied with showing to be English, Teutonic, Aryan, is really common to all mankind, they do me no wrong. The history, in short, of a Massachusetts township or a Maryland manor* becomes, if looked at in a scientific spirit, part of the general history of the world. Of course I assume that they are studied in a scientific spirit.

* The subject of Old Maryland Manors has been investigated by John Johnson, a graduate of the Johns Hopkins University. Interest in this research was heightened by the examination, in the Library of the Maryland Historical Society, of the records of an actual Court Leet, held upon St. Clement's Manor, in St. Mary's County. The Court Leet, the existence of which in Maryland has long been denied, was a popular institution, a kind of Town Meeting on the Lord's Manor. Such a manorial survival is, like the old Town Pasture at Annapolis, a connecting link between Province Maryland and Early England.— H. B. A.

Even the researches of the dullest local antiquary have their use; that is, they may be turned to some use by a more intelligent inquirer, by one who sees in them a value which the original collector fails to see. The scientific view of such matters consists mainly in dealing with them by the comparative method. To say that a certain custom exists in Massachusetts now and to say that a certain custom existed at Athens ages ago are both of them pieces of knowledge which, if they go no further, are of no great value or interest. But, if you can bring the Massachusetts custom and the Athenian custom into some kind of relation towards one another — if you can show that, among much of unlikeness in detail, the likeness of a general leading idea runs through both — if you can show that the likeness is not the work of mere chance but that it can be explained by common derivation from a common source — if again you can show that the points of unlikeness are not mere chance either, but that they can be explained by differences in time, place, and circumstance — if you can do all this, you have indeed done something for the scientific study of Comparative Politics.*

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* Three or four years ago, at a suggestion from Professor B. L. Gildersleeve, the editor of this series began to collect materials illustrating the local institutions of the ancient Greeks, with the view of ultimately drawing certain historical parallels between their Village Community system and that of the Teutonic race, especially of its New England branch. The agrarian customs, the local assemblies, market places, village elders, the predominance of kinship in the village constitution, the sanctity of house and home, the reverence for ancient landmarks and the bounds of the village, the branching out of new communities from the parent stock, and the association of kindred villages in a larger municipal commonwealth,— these and other features of Greek and Teutonic local life are strikingly similar and illustrate the fact that the old Aryan tree has been budding and blossoming in much the same way for three or more thousand years. The Grecian branch of institutional genealogy is assuming fresh interest from year to year in the light of German monographs and revisions of earlier standard works. In view of this fact and of the increasing importance of Grecian Village Communities in the comparative study of local institutions, it has been thought best to intrust the Grecian topic to Dr. John Franklin Jameson, instructor in classic history at the Johns Hopkins University, who from the nature of his present pursuits, will have special opportunities for investigating the above subject.— H. B. A.

But, coming nearer our own concerns, the institutions of the American States form a natural and important part of the institutions of the Teutonic race, and specially of the English branch of it. The institutions of England are the general institutions of the Teutonic race, modified as they could not fail to be, by settlement in a great European island, and by the events which have taken place since that settlement. The institutions of the American States are the institutions of England, modified, as they could not fail to be, by settlement in a greater American continent, and by the events which have taken place since that settlement. We do not rightly understand the history of our people on either side of Ocean, unless we take in the close analogy — notwithstanding many points of unlikeness — between the English settlements in Britain in the fifth and sixth centuries, and the English settlements in America in the seventeenth century. The likeness comes out most strongly if we contrast either with the Norman Conquest in England or with the Spanish conquests in America. These again differ greatly from one another; but they agree in the comparatively short time in which the work was done. In both of them settlement took the form of conquest, and of conquest on a great scale. But those who came in the three keels of Hengest and those who came in the Mayflower were both of them in a different position. They settled in small companies and won the land bit by bit. They brought with them the institutions of their elder country, such of them at least as suited the condition of their new country; they planted them afresh, and what they planted grew up with such changes as were wrought by the nature of the new soil in which it was planted. The most notable thing of all, yet surely the most natural thing of all, is that the New England settlers of the seventeenth century largely reproduced English institutions in an older shape than they bore in the England of the seventeenth century. They gave a new life to many things which in their older home had well nigh died out. The necessary smallness of scale in the original settlements was the root of the whole matter. It, so to speak, drove them back for several centuries: it caused them to reproduce, in not a few points, not the England of their own day, but the England of a far earlier time. It led them to reproduce in many points the state of things in old Greece and in mediaeval

Switzerland. Such a state as Rhode Island is as essentially ancient as Uri itself; that is, a new Rhode Island could no more come into being now than a new Uri. A New England town-meeting is essentially the same thing as the Homerica ἀγορή, the Athenian ἐκκλησία, the Roman *comitia*, the Swiss *Landesgemeinde*, the English folk-moot. The circumstances of New England called the primitive assembly again into being when in the older England and it was well nigh forgotten. What in Switzerland is a *sur*vival was in New England rather a *re*vival. But the causes alike of the survival and of the revival are part of the general history of the institutions of the Teutonic race.

But New England does not make up the whole of the English settlements in America. We have further to compare the points of likeness and unlikeness, and the causes of the likeness and unlikeness, between the New England states, which so largely came of themselves, and other states which arose under other influences. We mark a difference between the proprietary colonies, and those which were practically independent commonwealths from the beginning. Maryland reproduced English institutions no less than Massachusetts; but Massachusetts and Maryland did not reproduce exactly the same English institutions. But it is plain that the more popular institutions were more at home on the soil of the New World. A lord proprietor whose rights were measured by these of the Bishop of Durham was an anomaly in a newly settled land. Greater local independence, closer connexion with the Government of the mother country, were either of them more natural states. Maryland, therefore, advanced in the direction of Massachusetts; Massachusetts did not advance in the direction of Maryland.*

I noticed in Virginia, the only one of the Southern States of which I have seen anything, that I heard the word *county* at least a

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*The Palatinate of Durham, after which the proprietary powers of Lord Baltimore were modelled in the charter of Terra Mariae, has been made the subject of careful investigation by Mr. Basil Sollers, a graduate of the City College, Baltimore, and a member of the University Seminary of Historical and Political Science. Although Palatine rights were granted to the Lord Proprietor, yet practically, from the very outset, the government of Maryland was a government by the people.

— H. B. A.

hundred times for once that I heard it in New England. The merest glance at the two countries shows that, setting aside the results of late events, the whole political organization of the two countries is different. Both have reproduced English institutions; but they have not reproduced the same English institutions. I suppose that Virginia and New England must be the most strictly English parts of the United States; the mixture of any foreign element in the original settlement must have been very small in either. But the two lands represent two different sides of England. Virginia more nearly reproduced the England of the time of the settlement. New England more nearly reproduced the England of an earlier time. The causes of this difference, causes inherent in the different circumstances of the two settlements, again take their place in the general course of English and of Teutonic history.

Thus far one has had to speak wholly of reproductions of strictly English institutions. In some of the other States we find materials for study of another kind. The State of New York, once New Netherlands, affords us the remarkable phenomenon of a land settled by one body of Teutonic settlers and afterwards by the accidents of warfare transferred to another. The two sets of colonists were both of the same original stock and the same original speech; but the circumstances of their several histories had made them practically strangers to each other. On the Nether-Dutch of Holland and Zealand transplanted to the new world came in the Nether-Dutch of England. The two elements have been fused together into one whole, but not without leaving memories and signs of the old distinction. Here is a field of special interest. We have not only, as in New England, to compare a newer England with an older; we have also to compare an older and a newer Holland; and to study the changes wrought in it by the infusion of an element really kindred though outwardly foreign. And again another question is raised. The same elements which were brought together in the State of New York have been more lately brought together at the Cape of Good Hope. But the results have been widely different in the two cases. I do not profess to have worked out the causes of the difference; but the question is one which is well worth searching into.

In other parts of the Union my favourite talk about Old, Middle, and New England ceases locally to apply. I see with pleasure that one of the subjects set down for research is French Towns in Wisconsin. I have not myself seen anything of the State of Wisconsin. But at St. Louis I was strongly impressed with a line of thought which comes out much more forcibly in Missouri than it can come out in Wisconsin. We cannot call Wisconsin a colony of the English people in the same sense as Massachusetts and Virginia, though both Wisconsin and Missouri may be called colonies of the English people in a wider sense. Wisconsin was for a while a possession of the British crown, and changed its allegiance as a result of the War of Independence. But when I crossed the Father of Waters, and found myself at St. Louis, my first feeling was that I had got altogether out of the historic range of which Massachusetts and Virginia form parts. Here was a land which was no colony of the English people, no possession of the British crown, which the War of Independence in no way touched, which had no part or lot in Washington or his fellows, but which was bought for money by the United States, after they had become the United States, and after Washington was no more. Yet I found myself in an English-speaking land, a land in which traditions and memories common to the whole Union were as strong as anywhere else. I know that traces of the elder state of things have by no means wholly vanished; but they do not strike the visitor on the surface. I was at once struck with the outward analogy between those parts of the American Union which formed part of the old Louisiana and those parts of the Swiss Union which formed no part of the old German League. The Romance Cantons of Switzerland have absolutely nothing to do with the history, rich and legendary, of the original Three Lands. Yet the history of the Three Lands, real and legendary, has been thoroughly adopted by the Romance Cantons; Tell and the Three Men of Grütli may be seen at Geneva and at Lugano no less than at Altdorf itself. Here a wholly distinct people has adopted the history and legend of the body into which it has been itself adopted. In the American case, though the land of the old Louisiana has nothing to do with the War of Independence and its worthies, yet the mass of its inhabitants have the same right in them as the inhabitants of

other parts of the Union. That is to say, the Romance lands of Switzerland have adopted the traditions of their Teutonic neighbours while still retaining Romance; the Romance lands of America have adopted the traditions of their Teutonic neighbours by the more effectual process of receiving their Teutonic neighbours within their borders.

I have gone off a good way from the subject on which I originally meant to say a few words. But my very wanderings may help to show how easily the study of the local institutions of the American States connects itself with the general study of European history, and with the study of the general history of institutions, above all with the institutions of the Teutonic race and specially of its English branch.

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* Doubtless I visited America under circumstances which were likely to make me dwell on likenesses rather than on unlikenesses. It might haply have been otherwise if I had known nothing of the continent of Europe, or if I had entered America, as some have done, on its western side. But I came to America from the east, and that as a somewhat old stager in continental Europe. I came as one fresh from Italy, Greece, and Dalmatia, as one who had used his own house in England as an inn on the road between Ragusa and Boston. Among a people of the same tongue, of essentially the same laws and manners, I naturally found myself at home, after tarrying in lands which were altogether foreign. But I have no doubt that deeper causes than this would naturally lead me to seize on the most English side of everything American. To me the English-speaking commonwealth on the

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* It has been thought not inappropriate to reprint in connection with this Introduction, which was prepared by Mr. Freeman expressly for this University Series, the following extracts from his "Impressions of America," recently published in the *Fortnightly Review* (August and September, 1882), articles touching American Institutions and dwelling upon the importance of studying them in the light of European history and of the comparative method.—H. B. A.

American mainland is simply one part of the great English folk, as the English-speaking kingdom in the European island is another part. My whole line of thought and study leads me to think, more perhaps than most men, of the everlasting ties of blood and speech, and less of the accidental separation wrought by political and geographical causes. To me the English folk, wherever they may dwell, whatever may be their form of government, are still one people. It may be that the habit of constantly studying and comparing the history of England with the History of old Greece, makes it easier for me to grasp the idea of a people, divided politically and geographically, but still forming in the higher sense one people. The tie that bound Greek to Greek was dearer to Kallikratidas than the advancement of Spartan interests by barbarian help. And so, to my mind at least, the thought of the true unity of the scattered English folk is a thought higher and dearer than any thought of a British Empire to the vast majority of whose subjects the common speech of Chatham and Washington, of Gladstone and Garfield, is an unknown tongue.

It may be more important to ask how far the doctrine of the essential unity of the divided branches of the English people is received by those whom it concerns on the other side of the Ocean. This is a subject on which I rather distrust my own judgment. I feel that it is a subject on which I am an enthusiast, and that my enthusiasm may possibly bias and color any report that I may try to make. And, of course, I can give only the impressions which I have drawn from certain classes of people, impressions which may be widely different from those which another man may have drawn from other classes of people. As far as I can speak of my American acquaintances, I should say that with most of them the essential unity of the English folk is one of those facts which everybody in a sense knows, but of which few people really carry their knowledge about with them. The main facts of the case are so plain that they cannot fail to be known to every man among a people who know their own immediate and recent history so well as the Americans do. That the older American states were in the beginning English colonies, that the great mass of their inhabitants are still of English descent, that, though the infusion of foreign elements has been large, yet it is the English kernel which has assimilated these foreign elements—that the German in America,

for instance, learns to speak English, while the American of English descent does not learn to speak German—all these are plain facts which every decently taught man in the United States cannot fail in a certain sense to know. That is, if he were examined on the subject, he could not fail to give the right answers. But the facts do not seem to be to him living things, constantly in his mind. Those Americans with whom I have spoken, all of them without a single exception, readily and gladly accepted the statement of what I may call their *Englishry*, when it was set before them. Once or twice indeed I have known the statement come from the American side. But, though the acceptance of the doctrine was ready and glad, it seemed to be the acceptance of a doctrine which could not be denied when it was stated, but which he who accepted it had not habitually carried about in his daily thoughts. And when the statement came from the American side, it came, not as an obvious truth, but rather as the result of the speaker's own observation, as a fact which he had noticed, but which might have escaped the notice of others. I will illustrate my meaning by an incident which happened to myself. At a college dinner to which I was asked, one gentleman proposed my health in words which in everything else were most kind and flattering, but in which I was spoken of as a man of "a foreign nationality." In my answer I thanked the proposer of the toast for everything else that he had said, but begged him to withdraw one word: I was not of a foreign nationality, but of the same nationality as himself. My answer was warmly cheered, and several other speakers took up the same line. The unity of Old and New England was in every mouth; one gentleman who had been American Minister in England told how exactly the same thing had happened to him at a Lord Mayor's dinner in London, how he had been spoken of as a foreigner, and how he had refused the name, just as I had done. . . . .

In the broad fact of the War of Independence there is really nothing of which either side need be ashamed. Each side acted as it was natural for each side to act. We can now see that both King George and the British nation were quite wrong; but for them to have acted otherwise than they did would have needed a superhuman measure of wisdom, which few kings and few nations ever had. The later American war within the present

century, a war which, one would think, could have been so easily avoided on either side, is a far uglier memory than the War of Independence. Still the War of Independence must be, on the American side, a formidable historic barrier in the way of perfect brotherhood. A war of that kind is something quite unlike an ordinary war between two nations which are already thoroughly formed. Two nations in that case can soon afford to forget, they can almost afford to smile over, their past differences. It is otherwise when one nation dates its national being—in the political sense of the word "nation"—from the defeat and humiliation of the other. If the American nation had parted off peacefully from the British nation, there would be no difficulty on either side in looking on the two English-speaking nations as simply severed branches of the same stock. The independent colony would, in such a case, have far less difficulty in feeling itself to be, though independent, still a colony, far less difficulty in feeling that all the common memories and associations of the common stock belong to the colony no less than to the mother-country. In such a case the new England might have been to the old what Syracuse, not what Korkyra, was to their common mother Corinth. But when independence was won in arms, and that by the help of foreign allies, when the very being of the new power was a badge of triumph over the old, it is not wonderful that the natural self-assertion of a new-born people often took the form of putting the past, the dependent past, as far as might be out of sight. Parents and brethren had become enemies; strangers had acted as friends; it was not wonderful if it was thought a point of honor to snap the old ties as far as might be; to take up in everything, as far as might be, the position of a new nation, rather than that of a severed branch of an old nation. I can understand that the Englishman of America may be tempted to see something of sacrifice, something like surrender of his national position, when he is called on to admit himself simply to be an Englishman of America. The Englishman of Britain has no such difficulties. To his eye the kindred lies on the surface, plain to be seen of all men. But it is not wonderful if the eye of the Englishman of America is a degree less clear-sighted. He may be pardoned if to him the kindred does not lie so visibly on the surface; if it is to him something which he gladly acknowledges when it is

pointed out, but which he needs to have pointed out before he acknowledges it. . . . .

The ideal after which I would fain strive would be for all members of the scattered English folk to feel at least as close a tie to one another as was felt of old by all members of the scattered Hellenic folk. Geographical distance, political separation, fierce rivalry, cruel warfare, never snapped the enduring tie which bound every Greek to every other Greek. So the Englishman of Britain, of America, of Africa, of Australia, should be each to his distant brother as were the Greek of Massalia, the Greek of Kyrênê, and the Greek of Chersôn. I have no doubt that it is a piece of pedantry to hint at the fact, but the fact is none the less true and practical, that, in order to compass this end, the scattered branches of the common stock must have a common name. This the old Greeks had. The Hellên remained a Hellên wherever he settled himself, and wherever he settled himself the land on which he settled became Hellas. The Greek of Attica or Peloponnêsos did not distinguish himself from the Greek of Spain by calling himself a Greek and his distant kinsman a Spaniard. But it is hard to find a name fitted in modern usage to take in all the scattered branches of the English folk. A certain class of orators on both sides of Ocean would seem to have dived into the charters of the tenth and eleventh centuries, and to have hence fished up the antiquated name of "Anglo-Saxon." We hear much big talk about the "Anglo-Saxon *race*," somewhat to the wrong of that greater Teutonic body of which Angles and Saxons are fellow-members with many others. But those who use the name probably attach no particular meaning to it; to them it goes along with such modern creations as Anglo-Normans, Anglo-Indians, Anglo-Catholics. The very narrow historical sense of the word "Anglo-Saxon" is never thought of. It is not remembered that its use was to mark the union of Angles and Saxons under one king, a use which naturally was forgotten as the distinctions between Angles and Saxons was forgotten. Anyhow the name is antiquated and affected; it is not the name which most naturally springs to any man's lips: it is a name artificially devised to answer a certain purpose. For the Englishman of Britain and the Englishman of America to greet one another as "Anglo-Saxons" is very much as if the Greek of

Peloponnésos and the Greek of Spain had greeted one another, not as Hellênes, but as Danaans or Pelasgians. Yet there certainly is a difficulty, such as the Greek never felt, in their greeting one another by their true name of Englishmen. . . . .

In England I have ever preached the lesson "antiquam exquirite matrem," while in America I have, at the expense of meter, preached it in the shape of "antiquiorem exquirite matrem." I am not likely to forget that if the English settlements in America are colonies of the English settlements in Britain, so the English settlements in Britain are themselves colonies of the older English land on the European mainland. In the wider history of the three Englands no fact is of greater moment; it is in fact the kernel, almost the essence, of their whole history. Still the constant acknowledgment and carrying about of that fact is a kind of counsel of perfection which every one cannot be expected to bear in mind. The analogy between the European and American settlements is real, but it is hidden. The points of unlikeness lie on the surface. The far longer time of separation between the first England and the second, the consequences following on that longer separation, above all the far wider break in the matter of language and institutions—to say nothing of the wide diversity in date and circumstances between the settlements of the sixth century and the settlements of the seventeenth—all these things join together to make the relations between the first England and the second altogether unlike the relations between the second England and the third. The oldest England on the European continent should never be forgotten by the men of the middle England in the isle of Britain. But it never can be to them all that the middle England in the isle of Britain surely ought to be to the men of the newest England on the mainland of America.

The main ties between the motherland and her great colony are the two main results of community of stock; that is, community of language and community of law. . . . . It is pleasant to see an American law library, with English and American books side by side. It is pleasant to hear an American legal pleading, in which the older English legislation, the older English decisions, are dealt with as no less binding than the legislation and decisions of the local courts and assemblies, and where the English legisla-

tion and decisions of later times are held to be, though not formally binding, yet entitled to no small respect. As to outward appearances indeed, most of the American courts have lost the pomp and circumstances with which we are accustomed to clothe the administration of the higher justice at home. It is only in that great tribunal which can sit in judgment on the legislation of a nation, in the Supreme Court of the United States, that any trace is left of the outward majesty of the law as it is understood in England. But look at any American Court, in such States at least as I have visited, and we see that the real life of English law and English justice is there. All the essential principles, all the essential forms, are there. The very cry of *oyez*, meaningless most likely in the mouth of the crier who utters it, not only tells us that it is the law of England which is administering, but reminds us how largely the older law of England was recast—not more than recast—at the hands of the Norman and the Angevin. We feel that the law which is laid down by the banks of the Hudson or the Potomac is still the law of King Edward with the amendments of King William. Sometimes indeed, when we find the newer England cleaving to cumbrous tradition which the elder England has cast away, we feel that a few further amendments of later days would not be out of place. . . . . .

I am not forgetful that the laws of different States are very far from being everywhere the same, and that the legislation of some States has brought in some startling differences from the legislation both of England and of other States. But we may still carry on our eleventh century formula. The law is not a new law; it is the old law, with certain—perhaps very considerable—amendments. Even if it be held that a new superstructure has been built up, it has been built up upon an old groundwork. Here there is a tie, not only to the mother-country, but to an old side of the mother-country. A real American lawyer must be an English lawyer too. He cannot fail to know something of the history of the land whose laws it becomes his duty to master; he may know at least as much as the English lawyer himself condescends to know. And I can witness that there are American lawyers who go somewhat further than the ordinary English lawyer thinks it his business to go. If a good many are still floun-

dering in the quagmire of Blackstone, there are some who have made their way to the firm ground of Stubbs and Maine.

The nature of Blackstone suggests a state of mind which I certainly cannot call an American peculiarity, which it may be going too far to call even an American characteristic. For the state of mind of which I speak, though it was brought forcibly to my notice on the other side of Ocean, is only too common in England also, and in many parts besides. I remember years ago acting as Examiner at Oxford with a man who, whatever may have been his attainments as a lawyer, had certainly made a good deal of money at the bar. He made the men who were examined say that the Conqueror introduced the feudal system at the Great Council of Salisbury. I implored him to say nothing of the kind, and explained to him that the legislation of Salisbury was the exact opposite to what he fancied. My colleague refused to hearken; he had to examine in law; Blackstone was the great oracle of the law; Blackstone put the matter as he put it, and he could not go beyond Blackstone. This is an extreme case of a man who cannot get beyond his modern book, and to whom the notion of an original authority is something which never came into his head. I believe there is in all parts of the world a large class of people into whose heads it never does come that history is written from original sources. I have had talks with people, and have received letters from people, who clearly thought that I or any other writer of history did it all from some kind of intuition or revelation, who had no idea that we got our knowledge by turning over this book and that. And I have known others who have got beyond this stage, who know that we get our knowledge from earlier writings, but who fancy that these earlier writings are something altogether strange and rare, the exclusive possession of a certain class, and placed altogether out of the reach of any but members of that class. They are amazed if you tell them that for large parts of history, for all those parts with which I am mainly concerned, the sources lie open to every man, and that the only advantage which the professed historian has is the greater skill which long practice may be supposed to have given him in the art of using the sources. Now this state of mind, one which practically does not know that there are any sources, common enough in England, is commoner still in America.

There, if we except a small body of scholars of the first rank, original sources seem to be practically unknown. It struck me that, with regard to reading and knowledge—at least in those branches of which I can judge—America stands to England very much as England stands to Germany. I conceive that in Germany the proportion of those who know something is smaller than it is in England, while the proportion of those who know a great deal is certainly larger. Anyhow this distinction is perfectly true between England and America. There is a mysterious being called the "general reader," of whom some editors seem to live in deadly fear. Now I had long suspected that the "general reader" was not so great a fool as the editors seemed to think, and my American experience has confirmed that suspicion. America strikes me as the land of the "general reader;" and, if so, I am not at all disposed to think scorn of the "general reader." It seemed to me that in America the reading class, the class of those who read widely, who read, as far as they go, intelligently, but who do not read deeply—the class of those who, without being professed scholars, read enough and know enough to be quite worth talking to—form a larger proportion of mankind in America than they do in England. On the other hand, the class of those who read really deeply, the class of professed scholars, is certainly much smaller in proportion in America than it is in England. The class exists; it numbers some who have done thoroughly good work, and others from whom thoroughly good work may be looked for; but it sometimes fails to show itself where one might most have expected to find it. Men from whose position one might have expected something more seem hardly to have grasped the conception of original authorities. One sees college library after college library which does not contain a volume of the Chronicles and Memorials, where the existence of that great series seems to be unknown. I met men who admired Dr. Stubbs as they ought to do, who had read his Constitutional History carefully, but who had never so much as heard of those wonderful prefaces, those living pictures of men and times, on which, even more than on the Constitutional History, the fame of the great Professor must rest. How little some men, even in the chair of the teacher, have grasped the nature of the materials for historic study came out in a curious dialogue which

I had with an American professor, I think a professor of history. He asked me, "Where do you write your works?" "In my own house, to be sure," I answered, "where else should I?" "O but you can't do them in your own house; you can't have the rare books and the curious manuscripts; you must be always going to the British Museum." He was a good deal amazed when I explained to him that all the important books for my period were printed, that I had them all around me in my own not wonderfully large library, that it was the rarest thing for me in writing my history to need a book that was not in my library, that I had never in my life made use of the British Museum library, and not very often of the Bodleian itself—that, for a few unprinted manuscripts which I knew would be of use to me the British Museum would give me no help, as they did not happen to be there—that, as a mere affair of the pocket, it was cheaper as well as more convenient to buy books for oneself than to take long journeys in order to read other people's books elsewhere. All this seemed altogether a new light to my friend. Of course a student of some other periods could not have made the same answer that I did. There are times for which the library of the British Museum or any other public library, must be invaluable, but those times are not the eleventh and twelfth centuries. But it is plain that to my professor all centuries were much alike; he knew that there were such things as original sources, but they seemed to him to be something strange, mysterious, and inaccessible, something of which a private man could not hope to be the owner. That a man could have the Chronicles and Florence and Oderic lying on his table as naturally as he might have Cæsar and Tacitus had never come into his head. I heard a good deal in America of the difficulty of getting books, which I did not quite understand. It is surely as easy to get a book, whether from London or from Leipzig, in America as it is in England; the book simply takes somewhat longer to come. But I can understand that American scholars may keenly feel one difficulty which I feel very keenly too. This is the utter hopelessness of keeping up with the ever-growing mass of German books, and yet more with the vaster mass of treatises which are hidden in German periodicals and local transactions. Of all of these every German scholar expects us all to be masters, while to most of us they are practically as

inaccessible as if they were shut up in the archives of the Vatican. When a German, and yet more when a Swiss, scholar gets any fresh light, his first impulse is carefully to hide it under a bushel, and then he expects all mankind to enter in and see the darkness.

I think I may fairly say that the state of things of which I speak, not so much mere ignorance of original sources as failure to grasp the existence and the nature of original sources, while sadly rife in England, is yet more rife in America. But I need hardly say that America has men of sound learning in various branches of knowledge of whom no land need be ashamed. At Harvard, at Yale, at Cornell, the most fastidious in the choice of intellectual society may be well satisfied with his companions. And there is a younger school of American scholarship growing up, of which, and of its researches, I cannot help saying a few words more directly. Students of early English history and language have had of late to acknowledge much valuable help in several shapes from the western branch of their people. But the school of which I have to speak is one which, among its other merits, has the special merit of being distinctively American, of being the natural and wholesome fruit of American soil. Its researches have taken that special direction which one might say that American research was called upon to take before all others. The new school is the natural complement of an elder school which has been useful in its time, but which could at the utmost serve only as the pioneer toward something higher.

Even from the days before independence, the English colonies in America have never lacked local historians. Every State, every district, almost every township, has found its chronicler. And worthily so; for every State, every district, every township, has its history. In New England above all, the history of even the smallest community has some political instruction to give us. The history of New England is a history of exactly the same kind as the history of old Greece or of mediæval Switzerland, the history of a great number of small communities, each full of political life, most of them reproducing ancient forms of Teutonic political life, which have died out in the elder England and which live only among the lakes and mountains of the elder Switzerland. The institutions of any community in the Thirteen Colo-

nies, above all of any community in New England, are more than a mere object of local interest and curiosity. They show us the institutions of the elder England, neither slavishly carried on nor scornfully cast aside, but reproduced with such changes as changed circumstances called for, and those for the most part changes in the direction of earlier times. As many of the best reforms in our own land have been—often unwittingly, and when unwittingly all the better—simply falling back on the laws and customs of earlier times, so it has specially been with the reforms which were needed when the New England arose on the western shore of Ocean. The old Teutonic assembly, rather the old Aryan assembly, which had not long died out in the Frisian sea-lands, which still lived on in the Swabian mountain-lands, rose again to full life in the New England town-meeting. Here we have, supplied by the New England States, a direct contribution, and one of the most valuable of contributions, to the general history of Teutonic political life, and thereby to the general history of common Aryan political life. And other parts of the Union also, though their contributions are on the whole of less interest than those of New England, have something to add to the common stock. Each of the colonies reproduced some features of English life; but different colonies reproduced different sides and, so to speak, different dates of English life. All these points in the local history of the colonies need to be put in their right relation to one another and to other English, other Teutonic, other Aryan institutions. This would seem to be a study to which the scholars of the United States are specially called. The study of institutions, the scientific exposition of what America has to teach us on that head, has been taken up by those who have come in the wake of the older school of American inquirers. On the more homely researches of the local chronicler there naturally follows a newer and more advanced class of inquirers, men who not only collect facts, but who know how to put the facts which they collect into their proper place in the general history of mankind. I have hitherto abstained from mentioning names; it is often invidious to pick and choose, and some of those whom I have had in my eye may claim the benefit of the proverb that good wine needs no bush. But a young and growing school, which still has difficulties to struggle against, may be glad of a good word on

either side of Ocean. I cannot help mentioning the school which is now devoting itself to the special study of local institutions, a school which is spread over various parts of the Union, but which seems to have its special home in the Johns Hopkins University at Baltimore, ...

To trace out the local institutions, and generally the local history of their own land, to compare them with the history and institutions of elder lands, to show that it is only on the surface that their own land lacks the charm of antiquity, is the work which seems chalked out for the inquirers of this school, and a noble and patriotic work it is. An eye accustomed to trace the likenesses and unlikenesses of history will rejoice to see the Germans of Tacitus live once more in the popular gatherings of New England—to see in the strong life of Rhode Island a new Appenzell beyond the Ocean—to see the Great City of Arcadia rise again in the federal capital by the Potomac. North and South, and the older West also, has each its help to give, and materials to furnish. Viewed rightly, with the eye of general history, it is no mean place in the annals of the world that falls to the lot of the two great commonwealths between which the earliest, and till our own days the greatest presidencies of the American Union were so unequally divided. . . . . .

I said before that it is a witness to the life and strength of the true English kernel in the United States that, notwithstanding the lavish admission of men of all kinds to citizenship, that English kernel still remains the kernel round which everything grows and to which everything else assimilates itself. There is that kind of difference between the English in Britain and the English in America which could not fail to be under the different circumstances of the two branches. Each of them is the common forefather of earlier times modified as the several positions of his several descendants could not fail to modify him. In constitutional matters the closeness with which the daughter has, wherever it was possible, reproduced the parent is shown perhaps in the most remarkable way in the prevalence alike in the Union, in the States, and in many at least of the cities, of the system of two houses in a legislative body. We are so familiar with that system from its repetition in countless later constitutions that we are apt to forget that, when the Federal constitution of the United States was drawn up, that

system was by no means the rule, and that its adoption in the United States was a very remarkable instance of cleaving to the institutions of the mother country. Though the United States Senate, the representative of the separate being and the political equality of the States, has some functions quite different from those of the House of Lords, yet it would hardly have come into the heads of constitution-makers who were not familiar with the House of Lords. I may here quote the remark of an acute American friend that the Senate is as superior to the House of Lords as the House of Representatives is inferior to the House of Commons. A neat epigram of this kind is seldom literally true; but this one undoubtedly has some truth in it. It follows almost necessarily from the difference between the British and American constitutions that in the American Congress the Upper House should be, in character and public estimation, really the Upper House. In Great Britain no statesman of the first rank and in the vigor of life has any temptation to exchange the House of Commons for the House of Lords. By so doing he would leave an assembly of greater practical authority for one of much less. But in the United States such a statesman has every temptation to leave the House of Representatives for the Senate as soon as he can. As neither House can directly overthrow a Government in the way that the House of Commons can in England, while the Senate has a share in various acts of the executive power with which the House of Representatives has nothing to do, the Senate is really the assembly of greater authority. Its members, chosen for six years by the State Legislatures, while the Representatives are chosen by the people for two years, have every advantage as to the tenure of their seats, and it is not wonderful to find that re-election is far more the rule in the Senate than in the House. I had to explain more than once that it was a rare thing in England for a member of Parliament to lose his seat, unless he had given some offense to his own party or unless the other party had grown strong enough to bring in a man of its own. In America, it seems, it is not uncommon for a Representative to be dismissed by his constituents of his own party, simply because it is thought that he has sat long enough and because another man would like the place. Here the difference between paid and unpaid members comes in: where members are paid, there will naturally be a

larger stock of candidates to choose from. I was present at sittings of both Houses, and there was certainly a most marked difference in point of order and decorum between the two. The Senate seemed to be truly a Senate; the House of Representatives struck me as a scene of mere hubbub rather than of real debate. One incident specially struck me as illustrating the constitutional provision which shuts out the Ministers of the President from Congress. One Representative made a fierce attack on the Secretary of the Navy, and the Secretary of the Navy was not there to defend himself. Generally I should say, the House of Representatives and the Legislative bodies which answer to it in the several States, illustrate Lord Macaulay's saying about the necessity of a Ministry to keep a Parliament in order. One result is the far larger powers which in these assemblies are given to the Speaker. And these are again attended by the danger of turning the Speaker himself into the instrument of a party.

The differences of procedure between our Houses of Parliament and the American assemblies, Federal and State, are very curious and interesting, specially just now when the question of Parliamentary procedure has taken to itself so much attention. But I must hasten on to give my impression of other matters, rather than attempt to enlarge on a point which I cannot say that I have specially studied. The State legislatures are the features of American political life which are most distinctive of the federal system, and to which there cannot be anything exactly answering among ourselves. It must always be remembered that a State legislature does not answer to a town council or a court of quarter sessions. It is essentially a parliament, though a parliament with limited functions and which can never be called on to deal with the highest questions of all. Still the range of the State legislatures is positively very wide, and takes in most things which concern the daily affairs of mankind. A large part of their business seems commonly to consist in the passing of private bills, acts of incorporation and the like. Some States seem to have found that constant legislation on such matters was not needed, and have therefore thought good that their legislatures should meet only every other year. In Pennsylvania, therefore, where I had good opportunities of studying some other matters, I had no

opportunities of studying the working of a State legislature. When I was there, municipal life was in full vigor in Philadelphia, but State life was dead at Harrisburg. But I came in for a sight of the legislature of New York at the time of the "dead lock" early this year. For week after week the Lower House found it impossible to elect a Speaker. And this was not the result of absolute equality between the two great parties. It was because a very small body of men, who had no chance of carrying a candidate from among themselves, thought fit, in ballot after ballot, to hinder the election of the acknowledged candidate of either side. This illustrates the result of the rule which requires an absolute majority. I pointed out to several friends on the spot that no such dead lock could have happened in the British House of Commons. I know not how far the existence of a regular Ministry and Opposition would hinder the possibility of this particular kind of scandal; but it is hard to conceive the existence of a ministry in our sense in a State constitution. Even in our still dependent colonies the reproduction of our system of ministries going in and out in consequence of a parliamentary vote, may be thought to be somewhat out of place. Still the Governor, named by an external power, has much of the position of a king, and his relations to his ministry and his parliament can in a manner reproduce those of the sovereign in the mother-country. But it is hard to conceive an elective Governor, above all the Governor of such a state as Rhode Island or Delaware, working through the conventionalities of a responsible ministry. Indeed even in such a state as New York there is still something patriarchal about the office of Governor. While I was in the Capitol at Albany, the friends of a condemned criminal came to plead with the Governor in person for the exercise of his prerogative of mercy. Now the population of the State of New York, swelled by one overgrown city, is greater than that of Ireland; even in its natural state, it would be much greater than that of Scotland. I thought of the days when the King did sit in the gate.

The personal heads of the Union, the State, and the City, the President, the Governor, the Mayor, all come from English tradition. If we study the commonwealths of other ages and countries, we shall see that this great position given to a single man,

though by no means without precedent, is by no means the rule. The title of Governor especially is directly handed on from the days before independence. It would hardly have suggested itself to the founders of commonwealths which had not been used to the Governor sent by the King. The powers of the Governor and the duration of his office differ widely in different States, even in neighboring and closely kindred States. The Governor of Massachusetts still keeps up a good deal of dignity, while the Governor of Connecticut is a much smaller person. Yet the Governor of Connecticut holds office for a longer time than his brother of Massachusetts. The Mayor too does not hold exactly the same place in every city. At Brooklyn, when I was there, a great point in the way of reform was held to have been won by greatly enlarging the powers of the Mayor. Men who could well judge held that purity of administration was best attained by vesting large powers in single persons, elective, responsible, acting under the eye of the public. And I was told that, even in the worst cases, better results come from the election of single officers than from the election of larger numbers. The popular election of Judges, which has been introduced into many States, is one of the things which British opinion would be most united in condemning. We should all agree in wishing that both the Federal courts and the courts of those States which, like Massachusetts, cleave to older modes of appointment may stay as they are. But, from what I could hear both in New York and other States which have adopted the elective system, the results are better than might have been expected. Each party, it is said, makes it a point of honor to name fairly competent candidates for the judicial office. So again the municipal administration of New York city was for years a by-word, and the name of Alderman was anything but a name of honor. But even in the worst times, the post of Mayor was almost always respectably filled. Even, so I was told, in one case where the previous record of the elected Mayor was notoriously bad, his conduct in office was not to be blamed. . . . .

I was greatly interested in the municipal election which I saw at Philadelphia early this year. The municipal administration of that city has, like that of New York, long had a bad name.

Corruption, jobbery, the rule of rings and "bosses," and above all, what to us sounds odd, the corrupt administration of the Gas Trust, were loudly complained of. And I certainly am greatly deceived if what I saw and studied was anything but a vigorous and honest effort to bring in a better state of things. Republicans and Democrats brought themselves to forget their party differences; or rather party names, and to work together for the welfare and honor of their common city. The movement was described to me in a way at which I have already hinted, as an union of honest men of both parties against the rogues of both parties. And such, as far as I could judge, it really was. I did indeed hear it whispered that such fits of virtue were not uncommon, both in Philadelphia and elsewhere, that they wrought some small measure of reform for a year or two, but that in order to keep the ground that had been gained, a continuous effort was needed which men were not willing to make, and that things fell back into their old corrupt state. And it is certainly plain that the man who gains by maintaining corruption is likely to make great habitual efforts to keep up a corrupt system, while the man who opposes it, who gains nothing by opposing it, but who gives up his time, his quiet, and his ordinary business, for the public good, is tempted at every moment to relax his efforts. This failure of continued energy is just what Demosthenes complains of in the Athenians of his day; and experience does seem to show that here is a weak side of democratic government. To keep up under a popular system an administration at once pure and vigorous, does call for constant efforts on the part of each citizen which it needs some self-sacrifice to make. The old saying that what is everybody's business is nobody's business becomes true as regards the sounder part of the community. But it follows next that what is everybody's business becomes specially the business of those whose business one would least wish it to be. Yet my Philadelphian friends assured me that they had been steadily at work for ten years, that they had made some way every year, but that this year they had made more way than they had ever made before. The immediate business was to dislodge "bosses" and other corrupt persons from the municipal councils, and to put in their stead men of character and ability, whether Republican or Democratic in politics. And this object, surely one much to be

sought for, was, as far as I could see, largely accomplished. I did indeed hear the murmurs of one or two stern Republicans, who could not understand supporting a list which contained any Democratic names. But the other view seemed to be the popular one. I read much of the fugitive election literature, and attended one of the chief ward-meetings. I was greatly struck by the general hearty enthusiasm in what was not a party struggle, but an honest effort for something above party. The speaking was vigorous, straightforward, often in its way eloquent. It was somewhat more personal than we are used to in England, even at an election. But here again my comparison is perhaps not a fair one. As I before said, I know nothing of English municipal elections, and the Philadelphian reformers had to deal with evils which have no parallel in the broader walks of English political life. Whatever may be our side in politics, we have no reason to suspect our opponents of directly filling their pockets at the public cost.

A municipal election is of more importance in America than it is in England, because of the large powers, amounting to powers of local legislation, which are vested in the cities. This would seem to be the natural tendency of a Federal system. It would indeed be inaccurate to say that the City is to the State what the State is to the Union. For the powers of the city may of course be modified by an act of the State Legislature, just as the powers of an English municipal corporation may be modified by an Act of Parliament, while no mere act of Congress, nothing short of a constitutional amendment, can touch the powers of a Sovereign State. But it is natural for a member of an Union, keeping independent powers by right, to allow to the members of its own body a large amount of local independence, held not of right but of grant. An American city is more thoroughly a commonwealth, it has more of the feelings of a commonwealth, than an English city has. As for the use of the name, we must remember that in the United States every corporate town is called a "city," while, in some States at least, what we should call a market-town bears the legal style of "village." In New England the cities are interlopers. They have largely obscured the older constitution of the *towns*. The word *town* in New England does not, as with us, mean a collection of houses, perhaps

forming a political community, perhaps not. It means a certain space of the earth's surface, which may or may not contain a town in our sense, but whose inhabitants form a political community in either case. Its assembly is the town meeting, the survival, or rather revival, of the old Teutonic assembly on the soil of the third England. This primitive institution best keeps its ancient character in the country districts and among the smaller towns in our sense of the word. Where a "city" has been incorporated, the ancient constitution has lost much of its importance. It has not been abolished. In some cases at least the two constitutions, of town and city, the Teutonic primary assembly and the later system of representative bodies, go on side by side in the same place. Each has its own range of subjects; but it is the tendency of the newer institution to overshadow the older. I deeply regret that I left America without seeing a New England town-meeting with my own eyes. It was a thing which I had specially wished to see, if only in order to compare it with what I had seen in past years in Uri and Appenzell. But when I was first in New England, it was the wrong time of the year, and my second visit was very short. I thus unavoidably lost a very favorable chance of seeing what I conceive that the English parish vestry ought to be but is not. . . . . .

One of the points on which I have always tried to insist most strongly is the true historic connection between the constitutions of England and of the United States. It might be a good test of those who have and those who have not made comparative politics a scientific study to see whether they are most struck by the likenesses or the unlikenesses in the two systems. The close analogy in the apportionment of power among the elements of the state is a point of likeness of far more moment even than the difference in the form of the Executive, much more than that of the different constitution of the upper House. The American constitution, as I have rather made it my business to preach, is the English constitution with such changes—very great and important changes beyond doubt—as change of circumstances made needful. But as those circumstances have certainly not been changed back again, it is at least not likely that the constitution of America will ever be brought nearer than it now is to

the constitution of England, however likely it may be that the constitution of England may some day be brought nearer to the constitution of America. . . . .

To me the past history and the present condition of the United States is, before all things, a part of the general history of the Teutonic race, and specially of its English branch. Of that history the destiny, as far as it has already been worked out, of the American commonwealths forms no unimportant part. And their future destiny is undoubtedly the greatest problem in the long story of our race. The union on American soil of so much that is new and so much that is old, above all the unwitting preservation in the new land of so much that is really of the hoariest antiquity in the older world, the transfer of an old people with old institutions to an altogether new world, and that practically a boundless world, supply subjects for speculation deeper perhaps than any earlier stage of the history of our race could have supplied. Like all other human institutions, the political and social condition of the United States has its fair and its dark side; the Union, like all other human communities, must look for its trials, its ups and downs, in the course of its historic life. It has indeed had its full share of them already. The other members of the great family may well be proud that the newest, and in extent the vastest, among the independent settlements of their race, has borne, as it has borne, a strain as hard as any community of men was ever called on to go through. And we of the motherland may watch with special interest the fortunes of that branch of our own people on whom so great a calling has been laid. And truly we may rejoice that, with so much to draw them in other ways, that great people still remains in all essential points an English people, more English very often than they themselves know, more English, it may be, sometimes than the kinsfolk whom they left behind in their older home.

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7. **Local Government in Pennsylvania.** Read before the Pennsylvania Historical Society, May 1, 1882. Published in the Pennsylvania Magazine of History and Biography, October, 1882. By E. R. L. GOULD, A. B. Victoria University, 1881; Fellow in History, Johns Hopkins University, 1882.

8. **Origin and Development of the Municipal Government of New York City.** I. The Dutch Period. II. The English Period. Published in the Magazine of American History, May and September, 1882. By J. F. JAMESON, Ph. D. Johns Hopkins University, 1882; Assistant in History, Johns Hopkins University.

9. **Administration of Berlin compared with that of New York.** Two articles in *The Nation*, March 23, 30, 1882. To be revised and enlarged for this series. By R. T. ELY, Ph. D. Heidelberg, 1879; Associate Professor of Political Economy, Johns Hopkins University.

10. **Local Government of Michigan, and the North-west.** Read before the Social Science Association, at Saratoga, September 7, 1882. By E. W. BEMIS, A. B. Amherst College, 1880.

11. **French and English Institutions in Wisconsin.** By W. F. ALLEN, A. M. Harvard, 1866; Professor of History and Latin, University of Wisconsin.

12 **Civil Government in Iowa.** By JESSE MACY, A. B. Iowa College, 1869; Professor of Historical and Political Science, Iowa College.

13. **Indian, French, and English Towns in Ohio.** By JOHN T. SHORT, Ph. D. Leipzig, 1880; Professor of History, Ohio State University: and SAMUEL C. DERBY, A. B. Harvard, 1866; Fellow of Johns Hopkins University, 1880–1; Professor of Latin, Ohio State University.

14. **The Parish Institutions of Maryland.** With Illustrations from Parish Records. Abstract in Johns Hopkins University Circular, August 1882. By EDWARD INGLE, A. B. Johns Hopkins University, 1882.

15. **Old and New Towns of Maryland.** To be read before the Maryland Historical Society in December, 1882. By LEWIS W. WILHELM, A. B. Johns Hopkins University, 1880; Graduate Scholar in History.

16. **Old Maryland Manors.** Note in Johns Hopkins University Circular, May, 1882. By JOHN JOHNSON, A. B. Johns Hopkins University, 1881.

17. **History of Free Schools in Maryland.** By BASIL SOLLERS, City College, 1871, and L. W. WILHELM, A. B. Johns Hopkins University, 1880.

18. **The Institutions of North Carolina.** Read before the Hist. and Polit. Science Association. Abstract in Johns Hopkins University Circular, May, 1882. By HENRY E. SHEPHERD, University of Virginia, late Superintendent of Public Instruction, Baltimore, now President of the College of Charleston, S. C.

19. **Local Self Government in South Carolina,—the Parish, the District, and the County.** With other papers on Free Schools, Markets, Fairs, Militia, &c. Abstracts in Johns Hopkins University Circulars, February, May, 1882. By B. J. RAMAGE, A. B., Newberry College, 1880. Graduate Scholar in History, J. H. U. To be read before the South Carolina Historical Society in December, 1882.

20. **Montauk, and the Common Lands of Easthampton, Long Island.** Abstract in Johns Hopkins University Circular, May, 1882. By J. F. JAMESON.

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